

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-10368 WGY

BLACKSMITH INVESTMENTS, LLC,
Plaintiff
v.
OCEAN STEEL & CONSTRUCTION,
LTD. and YORK STEEL, INC.
Defendants

**DEFENDANTS' CERTIFICATION
PURSUANT TO LOCAL RULE 16.1(D)(3)**

Pursuant to Local Rule 16.1(D)(3), Defendants and their attorney hereby certify that they have conferred with a view to establishing a budget for the costs of conducting the full course -- and various alternative courses -- of the present litigation and to consider the use of alternative dispute resolution to resolve the present litigation such as that outlined in Local Rule 16.4.

OCEAN STEEL & CONSTRUCTION LTD.

YORK STEEL, INC.

By: James C. Donor
Its: Manager of Administration

By: James C. Donor
Its: Manager of Administration

YORK STEEL, INC. and OCEAN STEEL &
CONSTRUCTION LTD.
By their attorney.

Paul F. Lynch (BBO# 537605)
CAROLAN & GREELEY
65 Franklin Street
Boston, MA 02110-1303
(617) 348-2900

Dated: September 3, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the counsel of record by mail on September 9, 2004.

Paul F. Lynch